

# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.state.tx.us

Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

Carlos H. Cascos  
Secretary of State

July 21, 2016

Mr. David Maxwell  
Director of Law Enforcement  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711

Dear Mr. Maxwell,

Pursuant to Section 31.006 of the Texas Election Code, I respectfully request your assistance in reviewing allegations of criminal activity in Hill County elections. Please find the enclosed copy of an election complaint submitted by Mr. Philip Aaron Harris. The complaint alleges that multiple voters may have voted illegally under Texas Election Code Section 64.012. The results from the primary election in Hill County show that as many as 1743 more votes were cast than there were voters in the election.

After review of the submitted documentation, we believe the information regarding the offenses warrants a submission for criminal investigation to the Texas Attorney General. It appears from the documents that 6 or 7 voters voted more than once in the election and that one voter voted as many as four times. It may be that these discrepancies are the result of counting early voting and/or one or more election day precincts more than once, but it is impossible to tell without further investigation.

If you need any additional information concerning this complaint or the attached documents, please contact Mr. Harris at the address and phone number below:

Mr. Philip Aaron Harris  
7001 Boulevard 26, Suite 331  
North Richland Hills, Texas 76180  
(682)626-5679

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If you have any further questions, please feel free to contact our office toll-free at 1-800-252-VOTE(8683).

Sincerely,

A handwritten signature in blue ink, appearing to read 'KEITH INGRAM', with a long, sweeping horizontal stroke extending to the right.

Keith Ingram  
Director of Elections

CC: Mr. Philip Aaron Harris  
7001 Boulevard 26, Suite 331  
North Richland Hills, Texas 76180

7/20/16

**ELECTION COMPLAINT TO THE TEXAS SECRETARY OF STATE**

Docket Number

**OFFICE USE  
ONLY**Date Hand-delivered or Date Postmarked  
/ /

Please read the Important Information at the end of this document. The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. A complaint filed with this form will not alter the results of an election.

This complaint form **MUST BE SIGNED** before it is submitted to the Secretary of State; therefore, you must print it out and sign it before mailing or faxing a copy or emailing a scanned, signed copy.

**I. IDENTITY OF COMPLAINANT**

<b>1 COMPLAINANT NAME</b>	MS / MRS / MR	FIRST	MI
	Mr Aaron		
	NICKNAME	LAST	SUFFIX
		Harris	
<b>2 COMPLAINANT PHYSICAL ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)	CITY	STATE ZIP CODE
	7001 Blvd 26 Ste 331	North Richland Hills	TX 76180
(Full home or business address, including street, city, state, and zip code)			
<b>3 COMPLAINANT MAILING ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)	CITY	STATE ZIP CODE
(Full home or business address, including street, city, state, and zip code)			
<b>4 COMPLAINANT TELEPHONE NUMBER</b>	AREA CODE	PHONE NUMBER	EXT
		(682) 626-5679	
<b>5 COMPLAINANT E-MAIL ADDRESS</b>		aaron@directactiontx.com	

**II. IDENTITY OF RESPONDENT**

PERSON OR ENTITY COMMITTING ALLEGED VIOLATION(S)

<b>6 RESPONDENT NAME</b>	MS / MRS / MR	FIRST	MI
	Unknown		
	NICKNAME	LAST	SUFFIX
<b>7 RESPONDENT POSITION OR TITLE</b>	Unknown		
<b>8 RESPONDENT PHYSICAL ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)	CITY	STATE ZIP CODE
(Full home or business address, including street, city, state, and zip code)			
<b>9 RESPONDENT MAILING ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)	CITY	STATE ZIP CODE
(Full home or business address, including street, city, state, and zip code)			
<b>10 RESPONDENT TELEPHONE NUMBER</b>	AREA CODE	PHONE NUMBER	EXT
<b>11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)</b>			

**GO TO PAGE 2**

**III. NATURE OF ALLEGED VIOLATION****Page2**

If you believe that a criminal violation of the Code has occurred, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of the Code alleged to have been violated, if known. If you need more space, please attach a separate sheet.

The election results can not be verified. There are 1,743 missing voters both from the county official voter file as well as from the election Combination Forms. That number equals 19% of the total vote results can not be accounted for with a voter.

ATTACH ADDITIONAL PAGES AS NEEDED

**IV. STATEMENT OF FACTS****Page 3**

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

**ELECTION IN WHICH VIOLATION(S) OCCURRED**

NAME OF ELECTION 2016 Republican Primary DATE OF ELECTION 03012016  
MM/DD/YYYY  
COUNTY OR POLITICAL SUBDIVISION Hill County, Texas PRECINCT Countywide

Hill County official election results can not be substantiated by the county election records. Specifically:

- In the voter file, there are 6 or 7, depending upon how you read it, voters which have voted on two separate dates. Once in early voting, once on election day. The county can not show that these voters did not in fact vote twice. They include: Rose Bell, Jana Buzbee, Cynthia Hudson, Jolynn Kasik, Benita Montgomery, and Louise Sullins.

- According to the Hill County election file / Voter file - Rose Bell shows to have voted 4 times. The County can not explain this.

- The official results in no way reflect the combination forms nor the voter file for the election. According to the published election results 9,038 votes were cast. The election voter file only lists 7,518 voters. A physical count of the signatures on the Combination Forms, adding in the Absentee ballots, only gives you 7,295 voters. The difference between the official results and the voter file is 1,520 voters or 16.82%. The difference between the official results and the Combination forms is 1,743 or 19.29% of the official results have NO VOTERS to account for said ballots.

- On July 19, 2016 the county staff presented the County Elections Commission and publically acknowledged that these figures are true and neither the county staff, nor the county's electronic voting equipment vendor- ES&S - could find or explain the missing voters. They also have no idea on how to determine the origin of the votes. No plan of action was suggested on how to reconcile this discrepancy which they have already been investigating for three weeks.

**ATTACH ADDITIONAL PAGES AS NEEDED**

## V. LISTING OF DOCUMENTS AND OTHER MATERIALS

Page 4

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

A copy of the letter sent to the county elections clerk and the county judge on June 17, 2016, in which some of the discrepancies were inquired about. These are the questions the county has admitted they can not answer.

A copy of the spreadsheet showing how the election number discrepancies were calculated.

The voter file, combination forms, and other supporting documentation is available upon request. Of course those can also be secured from the Hill County Election department.

ATTACH ADDITIONAL PAGES AS NEEDED

**VI. SIGNED STATEMENT****Page 5**I, P. AARON HARRIS

PRINTED NAME OF COMPLAINANT

, the undersigned,

under penalty of perjury do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

I have read and understand the accompanying instructions, and I am aware that completion of this form cannot and will not alter the outcome of the election.



SIGNATURE OF COMPLAINANT

**NOTICE: THIS COMPLAINT IS NOT CONFIDENTIAL; ONCE REVIEWED BY  
THE SECRETARY OF STATE, IT WILL BE TREATED AS A PUBLIC RECORD.**

**REMINDER: YOU MUST SIGN THIS FORM PRIOR TO SUBMITTING****IF MAILING, PLEASE SEND TO:**

Texas Secretary of State  
Elections Division  
c/o Legal Dept.  
P.O. Box 12060  
Austin, TX 78711

**IF FAXING, PLEASE SEND TO:**

512.475.2811

**IF EMAILING, PLEASE SEND TO:**

elections@sos.state.tx.us

## VII. IMPORTANT INFORMATION

Pursuant to Section 31.006 of the Texas Election Code (the "Code"), the Office of the Secretary of State (the "Secretary of State") has the ability to refer elections complaints to the Office of the Attorney General (the "Attorney General"). If, after receiving a complaint alleging criminal conduct in connection with an election, the Secretary of State determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, the Secretary of State shall promptly refer the complaint to the Attorney General. The Secretary of State shall deliver to the Attorney General all pertinent documents in the Secretary of State's possession.

Any person who believes that a criminal violation of the Code has occurred may file a complaint. In order to initiate the complaint process, a written and signed complaint must be filed with the Secretary of State. The complaint must allege the violation with particularity, identify the person(s) or entity responsible for the alleged violation, and contain a reference to the section of the Code alleged to have been criminally violated, if known.

The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. This form is to be used solely to document alleged election irregularities and submit allegations of criminal violations of the Code to be referred to the Attorney General. Often complaints will be Code violations that do not amount to criminal violations or acts. These violations are election irregularities which may form the basis of an election contest, but do not carry a criminal penalty. These election irregularities will not be referred to the Attorney General for possible criminal prosecution.

Challenging an election result can be done either through (1) a recount or (2) an election contest. If you are seeking to alter the outcome of the election, you will need to use one of these methods of challenging the results, described below. **A complaint filed with this form will not alter the results of an election.**

### Legal Remedies That May Alter the Election Outcome

#### 1. Recount

Recounts are used only to recount the votes in a particular race (office) or measure. A recount does not have the scope or authority of an election contest in court, i.e., the recount committee will not look at the manner in which voters were qualified to vote in person or by mail or whether voters were eligible to vote in the election. The governing body of an entity cannot conduct a recount on its own motion, e.g., at the canvass.

Please note that recount request deadlines occur soon after the canvass - a recount must be requested not later than two days following the canvass. More information on filing recounts (including form, deposit information, and who and how to file) is available on the Secretary of State's website.

#### 2. Election Contest

If a candidate disputes the outcome of the election, regardless of whether or not a recount has been conducted, and has discovered irregularities, fraud, or mistakes in the conduct of the election that affected or could have affected the outcome, he/she can file an election contest to challenge the election results. The legal question raised by an election contest is whether the outcome of the contested election, as shown by the final canvass, is not (or cannot be conclusively determined to be) the true outcome because (1) illegal votes were counted, or because (2) an election officer or other official administering the election either (i) prevented eligible voters from voting, (ii) failed to count legal votes, (iii) engaged in fraud or illegal conduct, or (iv) erred in some material way.

Contests involving county elections are filed in the district court in the relevant county. In most circumstances, the filing deadline for an election contest is 30 days after the canvass, except in the case of a primary or an election where a runoff is necessary, in which case the deadline for filing is 10 days after the final canvass. If a recount is held and the votes are changed, the date of the canvass of the recount (i.e., final canvass) becomes the new date by which the contest deadline is calculated.

Any losing candidate may contest an election. In a contest of an officer election, the contestant files suit against the election's winner (or in the event that the election outcome is determined by majority vote rather than plurality vote, the person or persons entitled to a place on the runoff ballot). Voters at large within a political subdivision do not possess standing to intervene as parties to an election contest for public office.

In an election contest, the court has the authority to: (1) examine ballots and equipment; (2) compel voters to reveal how they voted; (3) declare an election void if illegal votes are greater than or equal to the number of votes necessary to change the outcome or cannot ascertain the true outcome of the election; (4) order a new election (or new runoff election), if unable to ascertain true outcome; (5) subtract illegal votes, if able to determine the side for which an illegal vote was cast; or (6) declare outcome of election, if able to ascertain true outcome.

If you think either a recount or an election contest is the proper procedure for the remedy you seek, you may wish to consult private legal counsel regarding your legal options. The Secretary of State staff can provide general guidance on these procedures as well.





June 17, 2016

Hill County Elections  
PO Box 725  
Hillsboro, TX 76645

Dear Patsy Damschen,

On May 19, 2016 we submitted an Open Records Request for election information pertaining to the 2016 Republican Primary election. In the data provided from our original request there is some data which requires further clarification.

In the voter file, showing every voter which voted in the election, there are a 6 or 7 (depending upon how you read it) voters which have two ballot dates. Can you clarify how one has two dates for their ballot? They include: Rose Bell, Jana Buzbee, Cynthia Hudson, Jolynn Kasik, Benita Montgomery, and Louise Sullins. All these voters also show to have voted both in Early Voting as well as on Election Day. This is per the data you provided. They have ballot dates of 3/1/16 as well as 3/4/16. I know the response is this was simply human error. How can the public be assured that is the case?

Voter 1018644898, Rose Bell, shows up twice. This would indicate the person's vote was counted twice. Can you provide some clarification?

2,288 of the ballots were all accounted for on 3/4/16 – three days after the election. It seems odd that that many ballots would come in late. At first glance it is obvious that that is the majority of the EV ballots, but it's not inclusive of all of them. Can you please clarify why the data is displayed this way?

The most problematic issue with the data provided by the county is the result numbers in no way reflect the voter file. For example, Precinct 2 shows to have had 497 votes cast, including the 28 under votes; However the voter file only has 370 voters from Precinct 2. A delta of 127. Precinct 4 has a delta of 274 voters between the published results and the voter file. Overall, the county results vary from the voter file by 20.22% or 1,520 votes. Can you clarify how these can be off by so much?

I eagerly await your responses. Thank you for your help in this matter.

Sincerely,

P Aaron Harris

2016 Hill County Rep Primary Election Result Breakdown Summary

Number of  
Precincts: 22  
Official  
Results  
BBM 473  
EV 2631  
ED 5897

By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
2 McNutt Cook	11	84	112	28	193	159	497	370	373
	10	122	130						
	21	206	242						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
3 McNutt Cook	9	73	82	55	132	111	349	295	257
	5	60	65						
	14	133	147						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
4 McNutt Cook	35	180	245	59	389	356	1096	822	811
	31	255	291						
	66	435	536						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB

2016 Hill County Rep Primary Election Result Breakdown Summary

5	McNutt Cook	10	45	80	33	77	152	288	245	239
		0	37	83						
		10	82	163						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total In Voter File	Total Combo + AB	
6	McNutt	9	33	58	20	47	96	198	156	157
		5	26	47						
		14	59	105						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total In Voter File	Total Combo + AB	
7	McNutt	3	15	87	27	36	187	256	238	228
		2	22	100						
		5	37	187						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total In Voter File	Total Combo + AB	
8	McNutt	4	20	51	22	39	90	174	145	136
		3	25	49						
		7	45	100						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total In Voter File	Total Combo + AB	
9	McNutt	4	37	45	12	71	82	217	169	166
		9	43	67						
		13	80	112						

2016 Hill County Rep Primary Election Result Breakdown Summary

By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
10 McNutt Cook	10	76	163	60	159	298	589	539	487
	20	100	160						
	30	176	323						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
12 McNutt Cook	6	36	97	31	83	188	353	293	287
	10	55	118						
	16	91	215						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
13 McNutt Cook	42	151	344	96	222	606	1102	909	896
	26	127	316						
	68	278	660						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
14 McNutt Cook	3	33	129	47	71	321	453	399	404
	9	45	187					Check voter file	
	12	78	316						
By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
15 McNutt	3	8	60	13	18	122	185	146	153

2016 Hill County Rep Primary Election Result Breakdown Summary

By Precinct		AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
16	Cook	10	20	71						
		13	28	131						
	McNutt	3	11	62	30	24	141	190	172	168
Cook		0	14	70						
		3	25	132						
By Precinct		AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
18	Cook	1	12	31	7	17	47	73	67	65
		0	5	17						
		1	17	48						
By Precinct		AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
19	Cook	1	10	48	22	22	96	134	136	119
		0	12	41						
		1	22	89						
By Precinct		AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
20	Cook	7	24	109	33	40	253	380	331	312
		12	37	158						
		19	61	267						

2016 Hill County Rep Primary Election Result Breakdown Summary

By Precinct	AB	EV	ED	Undervote	EV Combo Forms	ED Combo Forms	Total In Official Results	Total in Voter File	Total Combo + AB
21 McNutt Cook	30	140	195	85	242	382	884	681	695
	41	157	236						
	71	297	431						
22 McNutt Cook	28	90	217	84	129	359	710	552	541
	25	77	189						
	53	167	406						
23 McNutt Cook	1	11	80	34	16	166	203	192	188
	5	8	64						
	6	19	144						
24 McNutt Cook	11	27	155	34	40	339	449	420	401
	11	34	177						
	22	61	332						
27 McNutt	4	22	77	41	46	158	258	241	212

2016 Hill County Rep Primary Election Result Breakdown Summary									
Cook	4	27	83						
	8	49	160						
	473	2446	5246	873	2113	4709	9038	7518	7295

By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	2	127	124	-13 -6.31%	-83 -34.30%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	3	54	92	-1 -0.75%	-36 -24.49%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	4	274	285	-46 -10.57%	-180 -33.58%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage



2016 Hill County Rep Primary Election Result Breakdown Summary

5	43	49	-5	-6.10%	-11	-6.75%
By Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage		
6	42	41	-12	-20.34%	-9	-8.57%
By Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage		
7	18	28	-1	-2.70%	0	0.00%
By Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage		
8	29	38	-6	-13.33%	-10	-10.00%
By Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage		
9	48	51	-9	-11.25%	-30	-26.79%

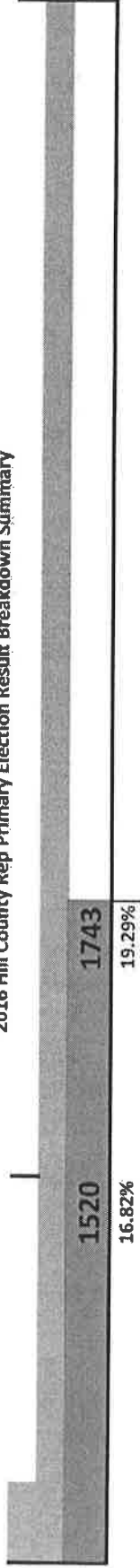
2016 Hill County Rep Primary Election Result Breakdown Summary

By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	10	50	102	-17 -9.66%	-25 -7.74%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	12	60	66	-8 -8.79%	-27 -12.56%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	13	193	206	-56 -20.14%	-54 -8.18%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	14	54	49	-7 -8.97%	5 1.58%
By	Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
	15	39	32	-10 -35.71%	-9 -6.87%

2016 Hill County Rep Primary Election Result Breakdown Summary

By Precinct	21	Delta Official Results to Voter File	203	Delta official results to Combo	189	Delta EV Combo/Official Results Percentage	-55	-18.52%	Delta ED Combo/Official Results Percentage	-49	-11.37%
By Precinct	22	Delta Official Results to Voter File	158	Delta official results to Combo	169	Delta EV Combo/Official Results Percentage	-38	-22.75%	Delta ED Combo/Official Results Percentage	-47	-11.58%
By Precinct	23	Delta Official Results to Voter File	11	Delta official results to Combo	15	Delta EV Combo/Official Results Percentage	-3	-15.79%	Delta ED Combo/Official Results Percentage	22	15.28%
By Precinct	24	Delta Official Results to Voter File	29	Delta official results to Combo	48	Delta EV Combo/Official Results Percentage	-21	-34.43%	Delta ED Combo/Official Results Percentage	7	2.11%
By Precinct	27	Delta Official Results to Voter File	17	Delta official results to Combo	46	Delta EV Combo/Official Results Percentage	-3	-6.12%	Delta ED Combo/Official Results Percentage	-2	-1.25%

2016 Hill County Rep Primary Election Result Breakdown Summary



Precinct	Delta Official Results to Voter File	Delta official results to Combo	Delta EV Combo/Official Results Percentage	Delta ED Combo/Official Results Percentage
16	18	22	-1 -4.00%	9 6.82%
17	18	22	-1 -4.00%	9 6.82%
18	6	8	0 0.00%	-1 -2.08%
19	-2	15	0 0.00%	7 7.87%
20	49	68	-21 -34.43%	-14 -5.24%